

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

Case No.: 24-cr-50-JDP

STEVEN ANDEREGG,

DEFENDANT.

GOVERNMENT NOTICE OF EXPERT TESTIMONY - RYAN RICKABY

The United States of America hereby provides to the defendant the disclosures required by Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, pertaining to the anticipated expert witness testimony of Digital Evidence Specialist (DES) Ryan Rickaby from the Division of Criminal Investigation within the Wisconsin Department of Justice. As required by Rule 16, this disclosure includes a complete statement of all opinions rendered by this witness that the government intends to use during its case-in-chief at trial under Fed. R. Evid. 702, 703, or 705. It additionally includes the bases and reasons for the opinions of the witness, the qualifications of the witness, publications authored by the witness in the previous ten years, and a list of all other cases in which the witness has testified as an expert in the previous four years. *See* Fed. R. Crim. P. 16(a)(1)(G)(iii).

As explained below, the United States anticipates that DES Rickaby will provide testimony regarding, among other things, the extraction and examination of data from digital devices. The government submits that DES Rickaby will not necessarily be providing expert “opinions,” as that term is contemplated under Fed. R. Crim. P. 16(a)(1)(G)(iii), but

rather he will explain how certain forensic processes work, why the processes are reliable, and how he applied those processes to his work in this case. In this sense, DES Rickaby is expected to explain technical matters in a way that helps the jury understand the evidence. *See* Fed. R. Evid. 702. Nevertheless, out of an abundance of caution, and to the extent that DES Rickaby's anticipated testimony may arguably contain expert opinions, the government provides this notice to the defense as to DES Rickaby's anticipated testimony pursuant to Fed. R. Crim. P. 16(a)(1)(G)(i) and (iii).

Qualifications, Publications, and Prior Testimony

DES Rickaby is employed by the Wisconsin Department of Justice's Division of Criminal Investigation as a Digital Evidence Specialist. He has held that position since 2023. Prior to that, he attended Champlain College, where he received a Bachelor of Science degree in Computer Forensics and Digital Investigations and an undergraduate certificate in Cybersecurity Fundamentals. In his capacity as a Digital Evidence Specialist, DES Rickaby conducts forensic analysis of seized computer devices, mobile devices, and other electronic media to provide investigative and analytical support and guidance to prosecutors and other law enforcement agents who are investigating criminal conduct. He is certified as a Cellebrite Certified Operator, which he obtained after completing multiple days of training on how to handle and extract data from mobile devices using forensically sound processes. He has received numerous other trainings on how to use various digital forensic examination tools and software, including X-Ways Forensics, Griffey, and osTriage. He has also completed training on mobile device forensics with the International Association of Computer Investigative Specialists and numerous trainings on digital

forensic analysis conducted by the National White Collar Crime Center. DES Rickaby's background and qualifications are contained in his Curriculum Vitae, which will be provided to the defendant in discovery.

DES Rickaby has not authored any publications in the last ten years.

DES Rickaby has not testified as an expert in a trial or deposition in the last four years.

The Witness's Anticipated Testimony

The United States anticipates that DES Rickaby will provide testimony at trial regarding his background and training, the extraction and examination of data from digital devices generally, the nature of the extractions and examinations he conducted in this case, and the methods and tools he used to assist in this work.

In particular, after testifying about his training and background discussed above, the United States anticipates that DES Rickaby may testify about: the physical inventorying of a digital device, such as a laptop or a computer's hard drive, once it is identified during the execution of a warrant and submitted as an evidence item in an investigation; the creation of a forensic image copy of a digital device after its submission into evidence, including the use of write-blocking technology to protect the integrity of the original evidence item when creating a forensic image copy of it for examination; the generation and use of a hash value associated with a digital storage device to verify that the forensic image copy of the device created through the prior steps is an exact match of the original evidence item; the purpose behind imaging and hash-matching the original digital evidence item, including to ensure that the original evidence item is not damaged or altered during any subsequent forensic examination and that the forensic image copy being analyzed contains the same data as the

original evidence item; and the reliability of the various programs that he uses to parse, examine, and analyze the matching data contained on the forensic image copy of the digital evidence item. He may also testify about the methods and forensic tools he uses to extract data from cellular telephones, including a forensic tool called Cellebrite Premium.

DES Rickaby is also expected to testify as to how, with respect to the devices described below, the above processes were followed to reliably extract exact copies of data from these devices. In particular, DES Rickaby is expected to testify about the extraction of data using reliable forensic tools and processes from multiple devices that were seized during the execution of a search warrant at the defendant's residence on or about February 22, 2024, including but not limited to the following devices: an MSI laptop bearing serial number K2208N0036832 that contained a 1024 GB Samsung solid state drive bearing serial number S676NX0T274696; a Google Pixel 6 Pro bearing IMEI 358339775315120; and a Google Pixel 8 Pro bearing IMEI 358951614879353. DES Rickaby may also testify about the process he followed to "preview" these and other devices during the execution of the search warrant at the defendant's residence and what evidence he observed on these devices during this preview, including that certain images were discovered on the MSI laptop. The reports documenting DES Rickaby's forensic examination and preview of these devices were produced in discovery as ANDEREGG-BATES-000228 through ANDEREGG-BATES-000237 on June 4, 2024. Those reports are incorporated in this notice pursuant to Fed. R. Crim. P. 16(a)(1)(G)(iv) and the information contained in them will therefore not be repeated in full here.

(Continued on the next page.)

In accordance with Fed. R. Crim. P.
16(a)(1)(G)(v), I approve this disclosure:

Ryan Rickaby 12/12/2024
Ryan Rickaby
Digital Evidence Specialist
Wisconsin Department of Justice

Dated this 13th day of December, 2024.

Respectfully submitted,

STEVEN J. GROCKI
Chief, Child Exploitation & Obscenity Section

By: /s/

WILLIAM G. CLAYMAN
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Trial Attorneys